

Remarks

Claims 1-10, and 12-24 have been canceled without prejudice or disclaimer. Applicants reserve the right to file one or more continuation applications directed to the subject matter encompassed by all canceled claims. Upon entry of the present amendment, claims 11, and 25-47 will be pending. Claims 25-47 have been added to expand the embodiments of the elected subject matter. The new claims are supported by the specification as filed. No new matter has been added.

More particularly, support for new claims 25-28 can be found, for example, at page 246, line 26 to page 248, line 11; and within Table 1, page 310, row 5, indicated as cDNA clone HSAWF26, SEQ ID:483 (full-length and secreted polypeptide). Support for new claims 30, 38, and 46 can be found, for example, at page 337, line 8 to page 339, line 14; page 391, line 26 to page 392, line 7; and in Example 9, pages 558-560 (fusion polypeptides). Support for new claims 31, 39, and 47 can be found, for example, at page 383, line 19 to page 385, line 29; and in Examples 5 to 8, pages 550-558 (host cells and protein production). Support for new claims 32-36, and 40-44 can be found, for example, at page 323, lines 23-28 and page 325, line 22 to page 327, line 17 (polypeptides 90% and 95%). Support for new claims 29, 37, and 45 can be found, for example, at page 8, line 21 to page 9, line 17; and at page 386, lines 15-22 (glycosylation).

Provisional Election With Traverse

On page 2 of the Office Action mailed November 17, 2004, the Examiner has separated the claims into eight (8) groups. The Examiner contends that the inventions are independent and/or distinct, each from the other, and thus, has required an election under 35 U.S.C. § 121. *See*, Paper No. 111304, pages 2-4. The Examiner has further required election of a single polynucleotide or polypeptide sequence. *See*, Paper No. 111304, page 3, paragraphs 3-4.

In order to be fully responsive, Applicants hereby provisionally elect, *with traverse*, the subject matter of Group II, encompassing claims 11, 12, and 16, drawn to polypeptides. Moreover, Applicants provisionally elect the sequence corresponding to SEQ ID NO:483 and that corresponding to clone ID HSAWF26, for further prosecution. New claims 25-47 read on the elected sequences of Group II as cast by the Examiner.

Applicants respectfully traverse the restriction requirement. A restriction requirement should not be imposed unless a search and examination of all groups would entail a "serious

burden." See M.P.E.P. § 803. In the present situation, a search of polypeptide claims would provide useful information for the claims in other related groups. For example, a search of HSAWF26 polypeptides would inherently provide relevant information about HSAWF26 polynucleotides, antibodies, methods of treatment and diagnosis using such compounds, and methods of detecting HSAWF26 and identifying HSAWF26 interacting compounds. Therefore, since a search of the claims of Group II would overlap with a search of Group I and Groups III-VIII, a search of claims drawn to the claimed embodiments of HSAWF26 should not impose an undue burden. Therefore, it is respectfully requested that the restriction requirement be reconsidered and withdrawn, at least to the extent as it pertains to SEQ ID NO:483 and that corresponding to clone ID HSAWF26.

Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Conclusion

Applicants respectfully request that the above-made amendments and remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425.

Respectfully submitted,

Date: 12/17/2004



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